D.B. CIVIL SPECIAL APPEAL (W) No.809/2007

Rakesh Kumar Sharma
Vs.
Vice Chancellor, University of Rajasthan & Ors.

Date of Order :: 31-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri N.S. Dhakad on behalf of
Shri Shrey Gaharana for the appellant.

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The dispute in this appeal arising from dismissal of the writ petition relates to number of chances which can be availed of for the LL.B. Part I Examination. The appellant wanted fifth chance which was denied by the University on the ground that regulations do not permit fifth chance to the candidate. According to the appellant, unlimited chances are allowed to the students in other professional courses, and therefore the stand of the University is arbitrary and fit to be rejected.

If the regulations do not provide for the fifth chance, drawing analogy from regulations applicable to other course the Court cannot direct that another chance be given to the unsuccessful candidate contrary to the regulations. The Courts can neither legislate nor issue any direction contrary to law. May be, as submitted by the counsel, the appellant was permitted to appear in the examination

by an interim order of this Court but, then, if regulations do not provide for fifth chance such interim order can be of no avail to him. We find no error in the order of the learned Single Judge dismissing the writ petition.

The appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Skant/-